



**Department of Labor and Industries
Semi-annual Rules Development Agenda
(July 1, 2002 - December 31, 2002)**

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: Insurance Services						
Chapter 296-17-WAC	General Reporting Rules, Classifications, Audit and Record keeping, Rates and Rating System for Workers' Compensation Insurance	Ken Woehl Employer Services 360-902-4775	6/19/02	9/18/02	11/20/02	Annual '2003' Rates Filing Package – Adjust the industrial insurance base rates based on current loss data and amend the retrospective rating tables and rules.
Chapter 296-17 WAC	General Reporting Rules, Classifications, Audit and Record keeping, Rates and Rating System for Workers' Compensation Insurance	Frank Romero Retrospective Rating 360-902-4835	3/20/02	8/21/02	11/20/02	Retrospective Rating Program Rules – Reformatting existing rules and adding clarification of due dates, acceptance of FAXED documents in lieu of originals, and modification to the re-enrollment process.



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DIVISION: Insurance Services						
Chapter 296-20 WAC, and 296-23 WAC, or other	Nursing Home Rate Setting	Jim Dick Health Services Analysis 360-902-5131	9/04/02	11/06/02	2/18/03	Define and establish and a new payment methodology for nursing homes and related services.
Chapter 296-20 WAC	Medical Aid Rules	Gary Franklin, MD Office of the Medical Director 360-902-5020	9/19/01	8/7/02	10/20/02	The new rule would clarify whether the department will consider pain in an impairment rating above and beyond what is already taken into account in the category rating system or in the organ and body system ratings of the AMA's <i>Guides to the Evaluation of Permanent Impairment</i> .
Chapter 296-14 WAC	Industrial Insurance	Gary Franklin, MD Office of the Medical Director 360-902-5020	7/3/02	1/2/03	5/1/03	Pursuant to RCW 51.32.185, the purpose of this rule is to determine which fire fighters would be excluded from a presumption on heart and lung conditions due to current or past tobacco use.



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DIVISION: Insurance Services						
WAC 296-20-02001	Medical Aid Rules – Penalties	Gary Franklin, MD Office of the Medical Director 360-902-5020	Expedited rule making 7/3/02		9/18/02	The department may delete this section through the expedited process. It simply refers the reader to 51.48 RCW.
WAC 296-23-225	Specialty Providers- Work Hardening	Gary Franklin, MD Office of the Medical Director 360-902-5020	Expedited rule making 7/3/02		9/18/02	This section pertains to work hardening services purchased by Insurance Services. This section is duplicated by WAC 296-23-235. For that reason, one will be deleted and there will be no impact on the purchasing of these services.
WAC296-23-170 WAC 296-23-175 WAC 296-23-185	Specialty Providers	Gary Franklin, MD Office of the Medical Director 360-902-5020	Expedited rule making 7/3/02		9/18/02	These sections simply refer the reader to other WAC sections.



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DIVISION: Insurance Services						
WAC 296-30-010	Definitions	Janice Deal Crime Victims Compensation 360-902-5369	Potential filing 12/2002	To be determined	To be determined	RCW 7.68.070(17) authorizes a benefit of counseling for immediate family members of a homicide victim. The statute refers to “immediate near term consequences of the related effects of the homicide”. Currently the Crime Victims Compensation Program has an internal policy defining the language of RCW 7.68.070 (17). The Crime Victims Compensation program is considering a rule to replace the internal policy.
WAC 296-30-010	Definitions	Janice Deal Crime Victims Compensation 360-902-5369	Potential filing 12/2002	To be determined	To be determined	RCW 7.68.015 instructs the Crime Victims Compensation Program to operate within the appropriations provided for this program. The new rule will provide the remedy should there be a financial shortfall.



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DIVISION: Insurance Services						
Chapter 296-15 WAC	Workers Compensation Self-Insurance Rules and Regulations	George Pickett Self Insurance 360-902-6907	7/24/02	1/3/03	4/1/03	Modifications in the following areas: certification requirements, including both financial requirements and claims administration structure requirements, vocational reporting requirements, including 90 day Employability Assessment Reports (EARs) and vocational rehabilitation outcome reporting, reporting requirements when initiating and terminating time loss, financial information reporting requirements, submissions of protests to the department, timeframes for payment of penalties



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DIVISION: Insurance Services						
Chapter 296-19A WAC	Vocational Rehabilitation	Roy Plaeger-Brockway Health Services Analysis 360-902-5052	12/18/01	10/2/02	1/03	Open WAC 296-19A-210 and possibly propose changes to minimum qualifications for vocational providers. In addition, open other sections of the rules to propose changes that improve clarity and ease of administration. The majority of changes are in response to stakeholder commentary gathered as part of the CR-101.
WAC 296-20-135	Conversion factors	Tom Davis Health Services Analysis 360-902-6687	12/18/02	2/19/03	4/16/03	Update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services.



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DIVISION: Insurance Services						
WAC 296-23-220	Physical therapy rules	Tom Davis Health Services Analysis 360-902-6687	12/18/02	2/19/03	4/16/03	Update the maximum daily reimbursement level for physical therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
WAC 296-23-220	Occupational Therapy Rules-Maximum Daily Reimbursement	Tom Davis Health Services Analysis 360-902-6687	12/18/02	2/19/03	4/16/03	Update the maximum daily reimbursement level for occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
Chapter 296-14 WAC	Industrial Insurance-Mortality Assumptions	Valerie Grimm Policy & Quality Coordination 360- 902-5005	6/20/01	10/2002	5/2003	This rule making will provide updates to mortality assumptions used to determine pension reserves and actuarial benefit reductions.



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DIVISION: Insurance Services						
Chapter 296-14 WAC	Industrial Insurance	Valerie Grimm Policy & Quality Coordination 360- 902-5005	10/3/01	8/2002	10/2002	This rule making will provide methods and factors included in the calculation of the worker's wage at the time of injury.
Chapter 296-14 WAC	Industrial Insurance	Valerie Grimm Policy & Quality Coordination 360- 902-5005	8/2002	11/2002	3/2003	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage.
Chapter 296-14 WAC	Industrial Insurance	Valerie Grimm Policy & Quality Coordination 360- 902-5005	10/2002	4/2003	6/2003	This rule making will provide definitions for terms used within chapter 296-14 WAC and will identify and move definitions currently in chapter 296-20 WAC that need to be placed in chapter 296-14 WAC, such as total temporary disability. The rule will include amendment of the definition of temporary partial disability.



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DIVISION: Insurance Services						
Chapters 296-255-270 WAC	Industrial Insurance-Independent Medical Examinations (IMEs)	Dave Overby Health Services Analysis 360- 902-6791	8/2002	2/2003	5/2003	This rule will amend the current rules to improve the quality of Independent Medical Examinations (IMEs).



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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
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DIVISION: Washington Industrial Safety & Health Act (WISHA)						
Chapter 296-24 WAC General Safety and Health Standards	Late Night Retail	Kim Rhoads Policy & Quality Coordination 360-902-5008 Sally Elliott Policy & Quality Coordination 360-902-5484	2-02	4-3-02	8-1-02	To revise and adopt requirements relating to late night retail, while re-writing the standard in the clear rule-writing format.
Chapter 296-24 WAC General Safety and Health Standards	Machine Guarding	Steve Vik Policy & Quality Coordination 360-902-4568 Sally Elliott Policy & Quality Coordination 360-902-5484	2-21-01	To be determined	To be determined	To revise and adopt requirements relating to machine guarding, while re-writing the standard in the clear rule-writing format.



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DIVISION: Washington Industrial Safety & Health Act (WISHA)						
Chapter 296-24 WAC General Safety and Health Standards	Portable Power Tools	Jim Hughes Policy & Quality Coordination 360-902-4504 Sally Elliott Policy & Quality Coordination 360-902-5484	7-17-02	12-4-02	To be determined	To revise and adopt requirements relating to portable power tools, while re-writing the standard in the clear rule-writing format.
Chapter 296-24 WAC General Safety and Health Standards	Temporary Housing for Workers	Kim Rhoads Policy & Quality Coordination 360-902-5008 Sally Elliott Policy & Quality Coordination 360-902-5484	8-7-02 Expedited Rule making		11-20-02	To revise and adopt requirements relating to temporary housing for workers, while re-writing the standard in the clear rule-writing format.



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DIVISION: Washington Industrial Safety & Health Act (WISHA)						
Chapter 296-24 WAC General Safety and Health Standards	Window Cleaning	Steve Vik Policy & Quality Coordination 360-902-4568 Sally Elliott Policy & Quality Coordination 360-902-5484	4-17-02	6-19-02	10-2-02	To revise and adopt requirements relating to window cleaning, while re-writing the standard in the clear rule-writing format.
Chapter 296-28 WAC Clearance Rules - Railroads in Private Yards and Plants	Railroads	Kim Rhoads Policy & Quality Coordination 360-902-5008 Sally Elliott Policy & Quality Coordination 360-902-5484	8-30-00	3-20-02	7-3-02	To revise and adopt requirements relating to railroad clearances, while re-writing the standard in the clear rule-writing format.



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DIVISION: Washington Industrial Safety & Health Act (WISHA)						
Chapter 296-52 WAC Possession and Handling Explosives	Explosives	Sally Elliott Policy & Quality Coordination 360-902-5484	7-24-02 Expedited Rule making		11-6-02	To revise the explosives rule based upon chapter 370, laws of 2002, Second Substitute Senate Bill 6080.
Chapter 296-62 WAC General Occupational Health Standards	Bloodborne Pathogens	Steve Vik Policy & Quality Coordination 360-902-4568 Sally Elliott Policy & Quality Coordination 360-902-5484	9-02	12-18-02	4-02	To revise and adopt requirements relating to bloodborne pathogens, while re-writing the standard in the clear rule-writing format.
Chapter 296-62 WAC General Occupational Health Standards	Confined Space	Carol Stevenson Policy & Quality Coordination 360-902-4778 Sally Elliott Policy & Quality Coordination 360-902-5484	6-19-02	12-18-02	4-02	To revise and adopt requirements relating to confined space, while re-writing the standard in the clear rule-writing format.



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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
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DIVISION: Washington Industrial Safety & Health Act (WISHA)						
Chapter 296-62 WAC General Occupational Health Standards	Hazardous Waste	Jim Hughes Policy & Quality Coordination 360-902-4504 Sally Elliott Policy & Quality Coordination 360-902-5484	4-26-00	11-6-02	2-03	To review for possible updates to Part P for requirements relating to Hazardous Waste Operations and Environmental Controls, while re-writing the standard in the clear rule-writing format.
Chapter 296-62 WAC General Occupational Health Standards	Hearing Conservation	Cindy Ireland Policy & Quality Coordination 360-902-5522 Sally Elliott Policy & Quality Coordination 360-902-5484	6-19-02	11-20-02	3-03	To revise and adopt requirements relating to hearing conservation, while re-writing the standard in the clear rule-writing format.
Chapter 296-62 WAC General Occupational Health Standards	Manufacturers Importers and Distributors Hazard Communication	Kim Rhoads Policy & Quality Coordination 360-902-5008 Sally Elliott Policy & Quality Coordination 360-902-5484	5-1-02	8-7-02	12-4-02	To revise and adopt requirements relating to Manufacturers Importers and Distributors Hazard Communication, while re-writing the standard in the clear rule-writing format.



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DIVISION: Washington Industrial Safety & Health Act (WISHA)						
Chapter 296-62 WAC General Occupational Health Standards	Respiratory Protection	Kim Rhoads Policy & Quality Coordination 360-902-5008 Sally Elliott Policy & Quality Coordination 360-902-5484	5-22-02	2-03	5-03	To revise and adopt requirements relating to respiratory protection, while re-writing the standard in the clear rule-writing format.
Chapter 296-307 WAC Safety Standards for Agriculture	Cherry Harvest	Sally Elliott Policy & Quality Coordination 360-902-5484	8-21-02 Expedited Rule making		11-20-02	To revise the cherry harvest rule based upon chapter 370, laws of 2002, Senate Bill 6328.
Chapter 296-62 WAC General Occupational Health Standards	Cholinesterase Monitoring	Cindy Ireland Policy & Quality Coordination 360-902-5522 Sally Elliott Policy & Quality Coordination 360-902-5484	3-6-02	10-2-02	1-15-03	The Washington State Supreme Court ruling, <i>Rios v. Dept of Labor and Industries</i> , ordered the department to initiate rule making on a mandatory cholinesterase program for agricultural pesticide handlers.



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DIVISION: Washington Industrial Safety & Health Act (WISHA)						
Chapter 296-800 WAC Safety and Health Core Rules	Core Rules	Cindy Ireland Policy & Quality Coordination 360-902-5522 Sally Elliott Policy & Quality Coordination 360-902-5484	2-6-02	5-23-02	7-1-02	The Core Rules are being updated to correct and clarify language and format that users of the core rule have discovered since the rule was implemented. Emergency washing, chemical hazard control, and biological agents will be added to the Core Rules.



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DIVISION: Specialty Compliance Services						
Chapter 296-130 WAC	Family care	Rich Ervin 360-902-5310 Josh Swanson 360-902-6411	5/22/02	8/21/02	10/1/02	The purpose of this rulemaking is to: <ul style="list-style-type: none">• Make changes resulting from the enactment of Chapter 243, Laws of 2002 (Substitute Senate Bill 6426); and• Make clarifying and housekeeping changes.
Chapter 296-150M and 296-150F WAC	Manufactured homes and Factory-built housing and commercial structures	Pete Schmidt 360-902-5571 Josh Swanson 360-902-6411	1/15/01	8/7/02	9/16/02	The purpose of this rulemaking is to: <ul style="list-style-type: none">• Make changes resulting from the enactment of Chapter 268, Laws of 2002 (Substitute Senate Bill 6364);• Permanently adopt the emergency rules that went into effect on June 28, 2002 (see Washington State Register 02-14-073); and• Make clarifying and housekeeping changes.



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DIVISION: Specialty Compliance Services						
Chapter 296-96 WAC	Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances	Josh Swanson 360-902-6411	1/2/02	9/4/02	12/1/02	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of Chapter 98, Laws of 2002 (Substitute House Bill 2629); • Make substantive changes to the elevator rules that were adopted on 12/22/00 (see WSR 01-02-026); and • Make clarifying and housekeeping changes.
Chapter 296- 200A WAC	Contractor certificate of registration renewals -- Security – Insurance	Pete Schmidt 360-902-5571 Josh Swanson 360-902-6411	6/20/01	8/21/02	10/1/02	The purpose of this rulemaking is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of Chapter 159, Laws of 2001 (Substitute Senate Bill 5101); • Review the rules for possible substantive changes; and • Make clarifying and housekeeping changes.



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DIVISION: Specialty Compliance Services						
Chapter 296-402A and 296-403 WAC	Electrical evaluation/certification laboratory accreditation and Amusement rides or structures	Ron Fuller 360-902-5249 Josh Swanson 360-902-6411	7/18/01	4/17/02	8/1/02	The purpose of this rulemaking is to: <ul style="list-style-type: none">• Make substantive changes to the carnival rules with the assistance of an advisory committee; and• Incorporate a policy in order to create a regulatory mechanism to address equipment that is approved by an accredited testing laboratory but may be unsafe and dangerous.



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DIVISION: Specialty Compliance Services						
Chapter 296-13, 46A, 296-401B WAC, and 296-402A WAC	Practice and procedure -- Electrical board; Safety standards -- Installing electric wires and equipment -- Administrative rules; Certification of competency for journeyman electricians; and Electrical evaluation/certification laboratory accreditation	Ron Fuller 360- 902-5249 Josh Swanson 360-902-6411	7/24/02	10/2/02	12/1/02	The purpose of this rulemaking is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of Chapter 249, Laws of 2002 (Engrossed Senate Bill 6630); • Adopt the latest edition of the National Electrical Code; and • Make clarifying and housekeeping changes.



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DIVISION: Specialty Compliance Services						
Chapter 296-104 WAC	Board of boiler rules -- Substantive	Robert Marvin 360-902-5270 Josh Swanson 360- 902-6411	4/17/02	8/7/02	11/1/02	The Board of Boiler Rules for possible changes will review these rules.
Chapter 296- 400A WAC	Certification of competency for journeyman plumbers	Pete Schmidt 360-902-5571 Josh Swanson 360-902-6411	4/17/02	8/21/02	10/1/02	The purpose of this rulemaking is to: <ul style="list-style-type: none"> • Make changes resulting from the enactment of Chapter 82, Laws of 2001 (Engrossed Substitute House Bill 2470); • Review the rules for possible substantive changes; and • Make clarifying and housekeeping changes.
Chapter 296-125 WAC	Nonagricultural employment of minors	Rich Ervin 360-902-5310 Josh Swanson 360-902-6411	9/19/01	9/1/02	12/1/02	Rules are being reviewed for possible changes to ensure conformity with federal laws pertaining to employment of minors where those laws are more restrictive.



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DIVISION: Specialty Compliance Services						
Chapter 296-127 WAC	Prevailing wage	Rich Ervin 360-902-5310 Josh Swanson 360-902-6411	7/19/00	10/2/02	12/1/02	The purpose of this rulemaking is to repeal and/or revise WAC 296-127-018, Coverage and exemptions of workers involved in the production and delivery of gravel, concrete, asphalt, or similar materials.
Chapter 296-127 WAC	Prevailing wage	Rich Ervin 360-902-5310 Josh Swanson 360-902-6411	7/19/00	7/31/03	10/31/03	The purpose of this rulemaking is to make substantive changes to the scope of work description rules that were adopted July 19, 2000 (WSR 00-15-077) with the assistance of an advisory committee. Clear rule writing principles will be applied to these rules.
Chapter 296-128 WAC	Minimum wages	Rich Ervin 360-902-5310 Josh Swanson 360-902-6411	12/5/01	To be determined	To be determined	Rules are necessary to clarify the requirements for salary basis pay as a result of a Washington State Supreme Court decision [Drinkwitz v. Alliant Techsystems, Inc., 140 Wn 2d 291 (2000)].